

### **SECTION 3** **PLANNED UNIT DEVELOPMENT**

#### **3.1--PURPOSES**

Planned Unit Development (PUD) is established as a supplemental zoning district intended as an alternative to conventional development and requires the submission to the Broken Arrow Planning Commission and the Broken Arrow City Council of a proposed outline development plan and accompanying development standards applicable to a particular tract, for discretionary review, after notice and hearing, and if approved, the Broken Arrow City Council shall prescribe appropriate conditions and safeguards. The planned unit development provisions are established for one or more of the following purposes:

- A. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
- B. To permit greater flexibility within the development to best utilize the physical features of the particular site.
- C. To encourage the provision and preservation of meaningful open space.
- D. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
- E. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.

#### **3.2--GENERAL PROVISIONS**

A Planned Unit Development may be submitted for land located within any general zoning district or combination of general zoning districts. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this article. Upon approval of a PUD, no modification of use or bulk and area requirements of the applicable general use district or districts shall be effectuated by issuance of any building or zoning clearance permit until a subdivision plat incorporating the provisions and requirements of this article is submitted to and approved by the Broken Arrow Planning Commission and the Broken Arrow City Council and duly filed of record in the office of the County Clerk of the County in which the planned unit development is located.

#### **3.3--USES PERMITTED IN A PLANNED UNIT DEVELOPMENT**

A. Principal Uses

A Planned Unit Development may include one or more of the uses permitted by right, exception or specific use permit within the general zoning district or districts within which the Planned Unit Development is located, provided however:

1. When located in whole or in part within an R-1, R-1S, R-2, R-3, R-3S, R-4, R-5 or R-6 District, the PUD may include one or more of the dwelling types permitted within the R-6 district;
2. When located in whole or in part within an RMH District the development may consist of one or more of the dwelling types permitted in the R-6 district and or an RMH District;
3. The permitted uses, whether principal or accessory uses, may be reallocated within the PUD irrespective of the general zoning district boundaries pursuant to an approved outline development plan or approved amendment thereof.

B. Accessory Uses

Accessory uses customarily incidental to the principal uses included with the Planned Unit Development are permitted.

### 3.4B BULK AND AREA REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

A. Intensity of Use

Within a Planned Unit Development, the permitted intensity, calculated as hereinafter set forth, may be reallocated irrespective of the general zoning district boundaries.

B. Residential Intensity

The maximum number of permitted dwelling units within a Planned Unit Development shall be computed as follows:

$$\text{Permitted dwelling units} = \frac{\text{Gross area}^* \text{ of the property located within a residential district}}{\text{Minimum land area per dwelling unit permitted in the applicable use district}}$$

The gross area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas. The minimum land area per dwelling unit for the purposes of the above described computation shall be as follows:

<u>District</u>	<u>Minimum Land Area Per Dwelling Unit</u>
R-1	14,500 sq.ft.

R-1S	12,125 sq.ft.
R-2	9,750 sq.ft.
R-3	8,500 sq.ft.
R-3S	8,500 sq.ft.
R-4	5,750 sq.ft.
R-5	2,200 sq.ft.
R-6	1,750 sq.ft.
RMH	4,000 sq.ft.

Each six hundred (600) square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two or more districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

\* For the purpose of intensity computations, gross area shall mean the lot area plus 2 of the right- of- way of any abutting street to which the lot has access.

#### C. Nonresidential Intensity

The nonresidential intensity shall not exceed a maximum permitted floor area computed as follows:

Maximum permitted floor area =	Gross area* of the property located within a nonresidential district multiplied by the maximum floor area ratio permitted in the applicable use district.
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If a floor area ratio is not specified within the applicable use district, a floor area ratio of .75 shall apply. The nonresidential intensity of use of a PUD located within two or more general zoning districts shall be calculated

separately for each district and allocated within the PUD with delineation of permitted floor area of specified permitted uses.

\* For the purpose of intensity computations, gross area shall mean the lot area plus 2 of the right-of-way of any abutting street to which the lot has access.

#### D. Livability Open Space

Within a residential development area of a PUD, Livability Open Space (open space not utilized for parking or drives) shall be provided in an aggregate amount equal to the sum of the Livability Open Space required for each dwelling unit calculated separately for each of the underlying use districts from which the permitted dwelling unit allocation is derived as follows:

<u>District</u>	<u>Minimum Livability Open Space Per Dwelling Unit</u>
R-1	6,800 sq.ft.
R-1S	5,400 sq.ft.
R-2	3,700 sq.ft.
R-3	3,000 sq.ft.
R-3S	3,000 sq.ft.
R-4	1,600 sq.ft.
R-5	1,200 sq.ft.
R-6	600 sq.ft.
RMH	1,600 sq.ft.

Required Livability Open Space may be provided on the lot containing the dwelling unit or

units on which computed, or in common areas, Common Livability Open Space should be designed and located to be accessible to the dwelling units it is intended to serve.

**E. Landscaped Area - General Requirements**

Landscaping within a PUD shall comply with the requirements of Article VIII of the Broken Arrow Zoning Ordinance unless specific modification thereof is set forth within the approved development standards of the PUD.

**F. Landscaped Area - Nonresidential Development Areas**

Within nonresidential development areas of a PUD, in addition to the general requirement of compliance with Article VIII as set forth within Subsection E. above, a minimum landscaped area shall be required as follows:

Office Use	15% of net development area
Commercial Use	10% of net development area
Industrial Use	5% of net development area

**G. Building Height**

Within a PUD the building height limitations shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.

**H. Yards and Building Setbacks**

Within a PUD the minimum yards and building setback requirements shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.

### **3.5--PERIMETER REQUIREMENTS**

Within a PUD, perimeter requirements for screening, landscaping and setbacks necessary to assure compatibility with adjoining and proximate properties, shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.

### **3.6--OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the requirements set forth in Article IV of the Broken Arrow Zoning Ordinance, provided however, required parking spaces may be provided on the lot containing the uses the required parking is intended to serve or may be provided in common off-street parking facilities. Common off-street parking facilities shall be accessible to the uses intended to be served and contain the requisite number of spaces for each use and the spaces provided for

permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and service. The total spaces provided within the PUD shall not be less than the sum of the individual spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required.

### 3.7--ADMINISTRATION OF PLANNED UNIT DEVELOPMENT

#### A. General

1. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for designation of the tract as a planned unit development supplemental zoning district and the approval of an outline development plan for the tract as provided in Section 3.7(B).
2. An application for the approval of a planned unit development may be processed simultaneously with and contingent upon an application for an amendment to the general zoning districts within which the tract is located.

#### B. Application and Outline Development Plan

An application for planned unit development shall be filed with the City Planning Department or official designated by the City Planning Department. The application shall be accompanied by the required filing fee as set forth within Article XII of the Broken Arrow Zoning Ordinance. The cost of notice publication shall be billed to the applicant and/or the owner of the property under application. The application shall be in such form and content as the Planning Commission may by resolution establish, provided that seventeen (17) copies of an outline development plan (hereinafter the AOutline Development Plan≡) shall accompany the filing of the application. The City Planning Department in the particular instance, may require that additional copies of the Outline Development Plan be submitted. The Outline Development Plan shall consist of maps drawn to scale and text which set forth:

1. The existing topographic character of the land including flood plains and treed areas.
2. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
3. An explanation of the character and concepts of the proposed planned unit development.
4. A delineation of one or more proposed development areas and the specification of the size of each development area and the identification of the land uses proposed therein, and the intensity of land use proposed therein. The intensity of residential uses shall be expressed in number of dwelling units. The intensity of nonresidential uses shall be expressed in gross floor area of buildings.
5. The proposed maximum building heights and minimum building setbacks.

6. The approximate location of proposed streets and access points and delineation of any proposed private streets.
7. The proposed number of off-street parking spaces.
8. An explanation of proposed open space areas, landscaped areas and screening features including specification of the size of the open space and landscaped areas and statistical particulars of perimeter screening, landscaping and setbacks.
9. An explanation of the intended ownership of the common areas and the entity or entities responsible for the maintenance of the common areas.
10. The expected schedule of development including phasing.

The foregoing provisions pertaining to the content of an Outline Development Plan shall be deemed directory in nature and an incompleteness shall not invalidate a PUD which is subsequently approved by the City Council, provided however, the Planning Commission or the City Council may, in their discretion, deny an application or delay consideration of an application for PUD if the Outline Development Plan is incomplete.

#### C. Public Hearing and Planning Commission Action

The Planning Commission, upon the filing of an application for the approval of a PUD, shall set the matter for public hearing and give not less than 15 days notice thereof by publication in a newspaper of general circulation, not less than 20 days notice by the posting of a sign on the property and not less than 20 days notice by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the property. Within 60 days after the filing of an application conforming to the requirements of Sections A and B above, unless the applicant has requested and been granted a continuance, the Planning Commission

shall have given the required notice of the public hearing, shall conduct the public hearing and shall determine:

1. Whether the PUD is consistent with the intent and purposes of the Comprehensive Plan.
2. Whether the PUD reasonably addresses compatibility with the existing and expected development of surrounding areas.
3. Whether the PUD is a unified treatment of the development possibilities of the project site.
4. Whether the PUD is consistent with the stated purposes and standards of this Article.

and thereafter the Planning Commission shall then recommend to the City Council, approval, approval with modification, or denial of the application.

An application recommended for approval or approval with modification, shall be forwarded with the Outline Development Plan and the recommendations of the Planning Commission to the City Council for further hearing as provided in Subsection 3.7 (D).

An application recommended for denial shall not be considered further unless the applicant, within 15 days from the date of the Planning Commission action, files a written request with the City Planning Department for a hearing by the City Council.

D. City Council Action

Upon receipt of the application, the Outline Development Plan, and Planning Commission recommendation, the City Council shall set a hearing not sooner than 10 days subsequent to the date of the Planning Commission action. Upon hearing, the City Council shall review the application and approve, approve with modification, deny or return the application to the Planning Commission for further consideration. Upon approval of an application for planned unit development, the Zoning Map shall be amended by ordinance to set forth the supplemental zoning district designation APUD≡ and a reference file number.

E. Submission of Final Outline Development Plan As Approved

For the purposes of achieving a reasonably accessible and accurate record of each approved PUD, submission of a final Outline Development Plan, as approved by the City Council, shall be made as follows:

1. Within 10 days after Planning Commission recommendation of approval of a proposed PUD, the Applicant shall file with the Planning Department 10 copies of a revised Outline Development Plan which incorporates any modifications to the Outline Development Plan recommended by the Planning Commission and accepted by the Applicant.
2. Within 10 days after City Council approval of a proposed PUD, the applicant shall submit to the Planning Department 5 copies of a revised Outline Development Plan which incorporates any City Council modifications to the Outline Development Plan, if any, as last submitted by the Applicant.
3. Within 10 days after City Council approval of a proposed PUD and receipt from the Applicant of 5 copies of an Outline Development Plan which incorporates all modifications made by the City Council, if any, or if a previously submitted Outline Development Plan fully is consistent with the approval action of the City Council, the City Planning Department shall date and endorse 5 copies as the AApproved Final Outline Development Plan≡ and shall provide an endorsed copy to the Applicant.

F. Standard Conditions of Approval

The following shall be standard conditions of the approval of a planned unit development:

1. The development standards set forth within the applicants= submitted Outline Development Plan shall be deemed to be incorporated within the action of the City Council in its approval of the application for planned unit development except as modified therein.
2. The requirements of the general zoning districts in which the property is located shall remain applicable except as modified within the approved Outline Development Plan and as may be further modified by the City Council in its approval of the application for planned unit development.
3. A planned unit development shall be platted in accordance with the requirements of Subsection 3.7(G).
4. A detail site plan shall be submitted for proposed buildings and improvements within the planned unit development in accordance with the requirements of Subsection 3.7(H)

**G. Planned Unit Development Subdivision Plat**

A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition to the requirements of the Subdivision Regulations, shall include within the plat and/or the deed of dedication:

1. The location of permitted uses and the intensity of permitted uses.
2. The designation of any private streets, the right-of- way width and improvement specifications thereof and the entity responsible for maintenance of the private streets.
3. Provisions for the ownership and maintenance of any common open space as will reasonably insure its continuity and conservation. Open space may be conveyed to a property owners= association or dedicated to the Public, provided that a dedication to the Public shall require the approval of the City Council.
4. Covenants reasonably assuring the continued compliance with the approved Outline Development Plan which shall include, but without limitation, covenants pertaining to such matters as permitted uses, intensity of uses, location of uses, height of structures, setbacks, screening, access and applicable conditions of approval. In order that the public interest may be protected, the City of Broken Arrow shall be made beneficiary of the required covenants pertaining to the PUD and shall provide that the City of Broken Arrow may enforce compliance therewith and shall further provide that amendment of the covenants shall require the approval of the Planning Commission and City Council and shall be implemented by a written instrument of amendment, duly recorded and bearing the approval of the Planning Commission and City Council

## H. Detail Plans Required

1. A detail site plan of each area within an approved PUD proposed for construction of improvements shall be submitted to the Planning Commission for approval upon determination that the proposed improvements are in accordance with the development standards of the approved Outline Development Plan and the conditions of approval thereof, including but not limited to:
  - a. uses of land;
  - b. intensity of use;
  - c. location, size, height and setbacks of buildings;
  - d. location and number of off-street parking spaces;
  - e. location and area of open space and landscaped areas; and
  - f. location and screening of bulk trash containers.

As applied to the area of a planned unit development approved for single family detached dwellings or duplex dwellings, the required subdivision plat shall be deemed to be the required detail site plan, provided however, the City Council, as a condition of the approval of an Outline Development Plan, may require that a detail site plan of any proposed gating of private streets and related entry features be submitted to the Planning Commission for review and approval.

2. In addition to the detail site plan required in subparagraph 1 above, the City Council, as a condition of the approval of an Outline Development Plan, may require that detail sign plans which include location, size, display surface area, height and setbacks of proposed signs be submitted to the Planning Commission for review and approval.
3. In addition to the detail site plan required in subparagraph 1 above, the City Council, as a condition of the approval of an Outline Development Plan, may require that detail landscape plans and/or screening fence and wall plans which include location, type and size of plant materials, and location and design of required screening fences or walls be submitted to the Planning Commission for review and approval.
4. In addition to the detail site plan required in subparagraph 1 above, the City Council, as a condition of the approval of an Outline Development Plan, may require that detail exterior building plans which may include elevations and perspective drawings of the buildings to be constructed, be submitted to the Planning Commission for review and approval. The requirement of submission of exterior building plans shall not apply to single family detached dwellings or duplex dwellings.
5. If the Planning Commission is authorized to approve detail plans, the Commission may delegate to the Planning Staff, authority to review and approve detail sign and/or

detail landscape plans and authority to review and approve minor revisions to detail site plans previously approved by the Planning Commission upon determination by the Planning Staff that the detail plan under review complies with the development standards of the PUD. An appeal to the Planning Commission from a decision of the Planning Staff approving or denying a detail plan, may be taken by any person aggrieved by the filing of a notice of appeal with the City Planning Department within 15 days from the date of the Planning Staff decision, or twenty days after filing an application for detail site plan, if the Planning Staff has not made a determination.

6. The City Council, as a condition of the approval of an Outline Development Plan, may in the particular instance, require that a detail plan required to be reviewed by the Planning Commission, shall thereafter be submitted to the City Council for approval.
7. An appeal to the City Council from a decision of the Planning Commission approving or denying a detail plan, may be taken by any person aggrieved by the filing of a notice of appeal with the City Planning Department within 15 days from the date of the Planning Commission decision

#### I. Issuance of Building Permits

Upon the amendment of the Zoning Map designating a property as a planned unit development, no building permit shall issue except in accordance with the approved Outline Development Plan and the approved development standards and conditions, including but not limited to the recording of the required subdivision plat and the approval of required detail plans.

#### J. Amendments

Amendments to an approved PUD which would constitute a significant departure from the approved Outline Development Plan (hereinafter A Major Amendments) shall require compliance with the notice and procedural requirements of an original planned unit development, provided however, notice by mailing may be limited to the owners of property within 300 feet of the area of the PUD to which the amendment is applicable and notice by posting may be limited to the area of the PUD to which the amendment is applicable.

Amendments to an approved PUD which do not constitute a significant departure from the approved Outline Development Plan (hereinafter A Minor Amendments) may be approved by the Planning Commission. Not less than 15 days notice of a hearing to consider a proposed minor amendment shall be given by the mailing of notice to the owners of property within 300 feet of the area of the PUD to which the amendment is applicable.

In instances where in the initial consideration of an application for planned unit development, the City Council has imposed a condition of approval which is more restrictive than the recommendation of the Planning Commission, amendment of that condition shall require City Council approval.

The following, but without limitation, may be approved as Minor Amendments, but nothing herein shall preclude the Planning Commission from determining in the particular instance, that the requested amendment should be deemed a Major Amendment:

1. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the PUD are not substantially altered.
2. Limitation of previously approved uses, provided the character of the development is not substantially altered.
3. Changes to the approved uses, provided the underlying general zoning district of the particular area of the PUD proposed for change would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.
4. Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Outline Development Plan, the approved development standards and the character of the development are not substantially altered.
5. Modification of the internal circulation system.
6. Lot splits.

K. Appeal From Minor Amendment Determination

An appeal to the City Council from a decision of the Planning Commission approving or denying a Minor Amendment, may be taken by any person aggrieved by the filing of a notice of appeal with the City Planning Department within 15 days from the date of the Planning Commission decision.

### 3.8BTRANSFER OF ALLOCATED INTENSITY

Provision for the transfer of permitted intensity (dwelling units or nonresidential floor area) as initially allocated to a development area may be included within the Outline Development Plan and if such provision has been approved by the City Council, the transfer of intensity shall be made in accordance with such provisions. In instances where no provision for transfer has been included within an approved Outline Development Plan, the transfer of allocated intensity shall be made as follows:

1. The transfer of allocated intensity shall require the written concurrence of the then owners of the development area from which the allocated intensity is to be transferred and if the transfer of allocated intensity does not increase the intensity of the development area to which the transfer is to be made by more than 15%, the transfer shall require the approval of the Planning Commission of a minor amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.

2. The transfer of allocated intensity shall require the written concurrence of the then owners of the development area from which the allocated intensity is to be transferred and if the transfer of allocated intensity increases the intensity of the development area to which the transfer is to be made by more than 15%, the transfer shall require the approval of the City Council of a major amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.

### 3.9BALLOCATION OF INTENSITY NOT INITIALLY ALLOCATED

Provision for the allocation of intensity (dwelling units or nonresidential floor area) permitted by the underlying zoning of the PUD which was not initially allocated to a development area may be included within the Outline Development Plan and if such provision has been approved by the City Council, the allocation of intensity shall be made in accordance with such provisions. In instances where no provision for allocation of intensity (not initially allocated) has been included within an approved Outline Development Plan, the allocation of such intensity shall be made as follows:

1. If the underlying zoning of the particular development area permits the proposed allocation of intensity within the development area and such allocation does not increase the intensity of the development area by more than 15%, the allocation shall require the approval of the Planning Commission of a minor amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.
2. If the underlying zoning of the particular development area permits the proposed allocation of intensity within the development area and such allocation increases the intensity of the development area by more than 15%, the allocation shall require the approval of the City Council of a major amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.
3. If the underlying zoning of the particular development area does not permit the proposed allocation of intensity within the development area and such allocation does not increase the intensity of the development area by more than 15%, the allocation shall require written concurrence of the then owners of the area within the underlying zoning from which an allocation is to be made and shall require the approval of the Planning Commission of a minor amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.
4. If the underlying zoning of the particular development area does not permit the proposed allocation of intensity within the development area and such allocation increases the intensity of the development area by more than 15%, the allocation shall require written concurrence of the owners of the then area within the underlying zoning from which an allocation is to be made and shall require the approval of the City Council of a major amendment to the PUD as set forth within subparagraph J. of Subsection 3.7.

### 3.10-ABANDONMENT

Abandonment of a PUD shall require the approval of the City Council after recommendation by the Planning Commission, of an application for amendment of the Zoning Map repealing the PUD supplemental designation. Upon filing of an application for abandonment of a PUD, the Planning Commission shall forthwith advise the City Council of the application and the City Council may thereupon direct the Planning Commission to initiate an application to amend the underlying general zoning district or districts within which the PUD is located. In each instance where an application for amendment to the underlying general zoning district or districts was approved concurrently with the approval of a PUD, the City Council may direct that the applicant for abandonment forthwith file an application to amend the underlying general zoning district or districts to the district or districts existing prior to the approval of the PUD. Alternatively, upon the hearing by the City Council of an application for abandonment of a PUD, the City Council may approve the abandonment upon condition that the underlying general zoning district or districts be amended as determined by the City Council to be appropriate.